

CLERK'S COPY

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.
EVAN LEE STOUGH

) Case No. SA:12-CR-00290-OLG
)

1:21-MJ-471-ML

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) EVAN LEE STOUGH ,

who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

See attached petition.

Date: 05/28/2021

Breana Goldsmith
Issuing officer's signature

Issuing officer's signature

City and state: San Antonio, Texas

Breanna Coldewey, Deputy Clerk

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date:

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

BY: _____ JU
DEPUTY

for

WESTERN DISTRICT OF TEXAS**Petition for Warrant or Summons for Offender Under Supervision 1:21-MJ-471-ML**Name of Offender: Evan Lee Stough Case Number: 5:12-CR-290(01)-OLGName of Sentencing Judicial Officer: Honorable Orlando L. Garcia, Chief United States District JudgeDate of Original Sentence: September 5, 2013Original Offense: Distribution of Child Pornography, in violation of 18 U.S.C. § 2252(a)(2)Original Sentence: 120 months custody and 25 years supervised releaseType of Supervision: Supervised Release Date Supervision Commenced: December 4, 2020Assistant U.S. Attorney: Tracy Thompson Defense Attorney: Donald H. Flanary, III**PREVIOUS COURT ACTION**

On November 23, 2020, a request for modifying the conditions with consent of the offender (12B) filed, in which Evan Lee Stough was ordered to reside in a residential reentry center for a term of up to 180 days, and conditions were added for participation in the computer restriction and program.

PETITIONING THE COURT

- To issue a warrant
 To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1. **Mandatory Condition:** The defendant shall not commit another federal, state, or local crime during the term of supervision.
2. **Special Condition:** The defendant shall refrain from purchasing, possessing, or using any sexually stimulating or sexually oriented materials including but not limited to written, audio and visual depictions, such as, pornographic books, magazines, photographs, films, videos, DVDs, computer programs, or any other media for portrayal of the same.
3. **Special Condition:** The defendant shall not possess, or use, a computer, or electronic device with any internet capability at any location (including employment) without the prior written approval of the probation department. This includes any Internet service provider, bulletin board system, or any other public or private computer network.

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4. **Special Condition:** The defendant shall not use any computer (whether or not equipped with a modem or access to the internet) at any location (whether or not at his place of employment, residence, or elsewhere) without the prior written permission of his probation officer. The defendant shall not possess or use a phone with access to the internet.
5. **Special Condition:** The defendant shall allow the probation officer to install computer monitoring software on any computer (as defined in 18 U.S.C. § 1030(e)(1)) the defendant uses.

On May 22, 2021, Stough advised the halfway house confiscated a Motorola smartphone that had been in his possession without permission. Stough acknowledged utilizing the unapproved mobile device to access the Internet and admitted to possessing child pornography which he obtained by using a torrent downloader mobile application. Stough did not allow for monitoring software to be installed on his unapproved device.

U.S. Probation Officer Recommendation:

On December 4, 2020, Stough commenced his term of supervised release in the Austin Division. Prior to his release, Stough was ordered to reside in a residential reentry center (RRC) for a term of up to 180 days, as he had not yet secured an approved release address.

On May 22, 2021, Stough contacted the probation officer and admitted that he had been in possession of a smartphone, which was confiscated by the RRC. Stough acknowledged he was in violation of supervised release conditions, as well as RRC rules and requirements, as he had in his possession an unapproved mobile device. Stough claimed to have been in possession of the mobile device for more than a month, and he admitted to possessing child pornography which he downloaded using a torrent mobile application. Subsequent communication with the RRC confirmed information provided by Stough.

On May 25, 2021, the seized contraband reportedly containing child pornography was transferred to Homeland Security Investigations (HSI) for forensic analysis and further investigation.

- The term of supervision should be
 - revoked. (Maximum penalty: 2 years imprisonment; life years supervised release; and payment of any unsatisfied monetary sanction previously imposed)
 - extended for years, for a total term of years.

- The conditions of supervision should be modified as follows:

Approved:

Martha N. Davis

Martha N. Davis
Supervising U.S. Probation Officer
Telephone: (512) 916-5761, Ext. 8739

Respectfully submitted,

Daniel Reyes

Daniel Reyes
Sr. U.S. Probation Officer
Telephone: (512) 916-5761, Ext. 8770
Date: May 26, 2021

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cc: Tracy Thompson
Assistant U.S. Attorney

Brenda Trejo-Olivarri
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- No action.
- The issuance of a warrant.
- The issuance of a summons.
- Other _____



Honorable Orlando L. Garcia
Chief U.S. District Judge

May 28, 2021

Date